

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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CHALAMO KAIKOV,

Plaintiff,

19-cv-2521-JBW-RER

-against-

PLAINTIFF’S SUPPLEMENTAL  
MOTION FOR TEMPORARY  
RESTRAINING ORDER AND  
PRELIMINARY INJUNCTIVE  
RELIEF

ARIHAY KAIKOV, et.al

Defendants,  
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Plaintiff Chalamo Kaikov (“**Chalamo**”) files this Motion for Temporary Restraining Order and Preliminary Injunctive Relief against Defendant Arihay Kaikov (“**Arihay**”). On December 27, 2019, Plaintiff, upon learning that Arihay sold one of the Investment Properties and is likely to dissipate proceeds from the sale filed a Motion for Preliminary Injunction seeking to prohibit the Kaikov Defendants from selling or interfering with the remaining properties for which he used Plaintiff’s money.<sup>1</sup> As stated in the Declaration of Ariel Kaikov (“**Ariel Dec.**”), on January 3, 2020, in response to Plaintiff’s motion, Arihay ambushed tenants of the property at 905 Mother Gaston Boulevard, Brooklyn, NY (“**905 Mother Gaston**”) - Investment Property that is continued to be managed by Plaintiff’s sons, Ariel and Khanan and the only property remaining under their control - and demanded that the tenants transferred their leases to his own company, 905 Mother Gaston Corp. instead. As stated in the Ariel Dec., Arihay also directed tenants not to call or speak with Ariel, lied to them that Ariel is in jail; and was threatening at least one tenant, who was feeling very scared. Ariel Dec., ¶¶ 10-13.

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<sup>1</sup> Plaintiff incorporates and relates hereto on facts and arguments made in the Motion, filed as Docket No. 38.

In short, Arihay is attempting to illegally and unlawfully take over the remaining property (out of 10) that is still under Plaintiff's control; leave Plaintiff without any redress in the event Plaintiff is successful in this lawsuit; interfere with relationship with the tenants and try to have negative impact on Plaintiff, Ariel and Khanan's reputation, who have managed the building since 2016. As a result, Plaintiffs now move this Court for immediate entry of injunctive relief – in addition to relief sought in Plaintiff's Motion for Preliminary Injunctive Relief - issuing a TRO pending a hearing on the merits on the preliminary injunction sought by Plaintiff in this matter preventing Arihay Kaikov and his agents from:

1. Interfering in any way with current operation and management of the property located at 905 Mother Gaston Boulevard, Brooklyn, NY 11212 (the "Property"), including but not limited to making repairs, alterations, construction, demolition, renovations, changing locks, or performing any other work on the Property; damaging property in any way, or acting in any other way that may affect operation of the property in the ordinary course of business;
2. In any way affecting, altering or modifying the title to the Property or encumbering, transferring, selling or contracting the Property;
3. Contacting any current tenants of the Property in person, by telephone, email or otherwise, with intent to make them modify and/or change their current leases; discussing ownership of the building, or defaming Plaintiff, Khanan Kaikov, and Ariel Kaikov;
4. Threatening, defaming, harassing, intimidating, or taking any other unlawful action against Plaintiff Chalamo Kaikov or his sons, Khanan Kaikov, and/or Ariel Kaikov.

5. Any further relief as the Court shall deem just, proper, and equitable.

Plaintiff further asks that the Court schedule a hearing on the preliminary injunction pursuant to Rule 65.<sup>2</sup>

Respectfully submitted,

Dated: January 7, 2019

TEMKIN & ASSOCIATES, LLC



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<sup>2</sup> Prior to filing this Motion, the undersigned counsel contacted counsel for Defendant to see whether Mr. Kaikov will consent to the requested relief voluntarily. Defendants refused. A copy of the correspondence is attached as **Exhibit A** hereto. Arihay now claims that the deed to 905 Mother Gaston he transferred to 911 Realty on December 9, 2016 from Defendant Royal A&K Realty, Inc. (*see Exhibit B*) was not correct and therefore, Defendant Royal A&K was entitled to transfer the deed to another newly formed company. This further evidences the length at which the Kaikov Defendants will go to fraudulently divert any remaining assets and funds in order not to repay money he received from Plaintiff.

### CERTIFICATE OF SERVICE

I certify that on this 7th day of January, 2020, I served a copy of Plaintiff's Motion for Temporary Restraining Order and Preliminary Injunctive Relief along with Order to Show Cause and supporting Declaration of Ariel Kaikov and exhibits via ECF filing on all parties of record as follows:

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Dated: January 7, 2020

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